

AMENDMENTS TO HOUSE BILL NO. 741

Sponsor: REPRESENTATIVE PETRARCA

Printer's No. 807

1 Amend Bill, page 1, line 18, by inserting after "amended"
2 and the sections are amended by adding subsections

3 Amend Bill, page 3, by inserting between lines 11 and 12

4 (c.1) Notice not required.--Notice to the defendant that a
5 mandatory minimum penalty applies shall not be required.

6 (c.2) Enhancing elements.--

7 (1) Whenever the Commonwealth becomes aware of the
8 existence of facts within its possession or control,
9 including, but not limited to, facts within the possession or
10 control of law enforcement agencies, that constitute
11 enhancing elements required for imposition of the mandatory
12 minimum sentence under this section, the Commonwealth shall
13 charge the defendant with any and all offenses that include
14 the enhancing elements, and may not dismiss the charges or
15 remove the enhancing elements or move for admission of the
16 defendant to Accelerated Rehabilitative Disposition on an
17 offense arising from a criminal episode involving an offense
18 that includes enhancing elements.

19 (2) Subject to evidentiary rules and established law, in
20 such cases, the Commonwealth shall offer all evidence that
21 may establish an enhancing element to the fact-finder at
22 trial or shall present all enhancing elements to the court as
23 enhancing elements as part of a plea of guilty or nolo
24 contendere.

25 Amend Bill, page 5, by inserting between lines 28 and 29

26 (b.1) Notice not required.--Notice to the defendant that a
27 mandatory minimum penalty applies shall not be required.

28 (b.2) Enhancing elements.--

29 (1) Whenever the Commonwealth becomes aware of the
30 existence of facts within its possession or control,
31 including, but not limited to, facts within the possession or
32 control of law enforcement agencies, that constitute
33 enhancing elements required for imposition of the mandatory
34 minimum sentence under this section, the Commonwealth shall
35 charge the defendant with any and all offenses that include
36 the enhancing elements, and may not dismiss the charges or

1 remove the enhancing elements or move for admission of the
2 defendant to Accelerated Rehabilitative Disposition on an
3 offense arising from a criminal episode involving an offense
4 that includes enhancing elements.

5 (2) Subject to evidentiary rules and established law, in
6 such cases, the Commonwealth shall offer all evidence that
7 may establish an enhancing element to the fact-finder at
8 trial or shall present all enhancing elements to the court as
9 enhancing elements as part of a plea of guilty or nolo
10 contendere.

11 Amend Bill, page 17, by inserting between lines 6 and 7

12 (b.1) Notice not required.--Notice to the defendant that a
13 mandatory minimum penalty applies shall not be required.

14 (b.2) Enhancing elements.--

15 (1) Whenever the Commonwealth becomes aware of the
16 existence of facts within its possession or control,
17 including, but not limited to, facts within the possession or
18 control of law enforcement agencies, that constitute
19 enhancing elements required for imposition of the mandatory
20 minimum sentence under this section, the Commonwealth shall
21 charge the defendant with any and all offenses that include
22 the enhancing elements, and may not dismiss the charges or
23 remove the enhancing elements or move for admission of the
24 defendant to Accelerated Rehabilitative Disposition on an
25 offense arising from a criminal episode involving an offense
26 that includes enhancing elements.

27 (2) Subject to evidentiary rules and established law, in
28 such cases, the Commonwealth shall offer all evidence that
29 may establish an enhancing element to the fact-finder at
30 trial or shall present all enhancing elements to the court as
31 enhancing elements as part of a plea of guilty or nolo
32 contendere.

33 Amend Bill, page 17, line 24, by inserting after "amended"

34 and the sections are amended by adding subsections

35 Amend Bill, page 18, by inserting between lines 16 and 17

36 (b.1) Notice not required.--Notice to the defendant that a
37 mandatory minimum penalty applies shall not be required.

38 (b.2) Enhancing elements.--

39 (1) Whenever the Commonwealth becomes aware of the
40 existence of facts within its possession or control,
41 including, but not limited to, facts within the possession or
42 control of law enforcement agencies, that constitute
43 enhancing elements required for imposition of the mandatory
44 minimum sentence under this section, the Commonwealth shall
45 charge the defendant with any and all offenses that include
46 the enhancing elements, and may not dismiss the charges or
47 remove the enhancing elements or move for admission of the

1 defendant to Accelerated Rehabilitative Disposition on an
2 offense arising from a criminal episode involving an offense
3 that includes enhancing elements.

4 (2) Subject to evidentiary rules and established law, in
5 such cases, the Commonwealth shall offer all evidence that
6 may establish an enhancing element to the fact-finder at
7 trial or shall present all enhancing elements to the court as
8 enhancing elements as part of a plea of guilty or nolo
9 contendere.

10 Amend Bill, page 19, by inserting between lines 25 and 26

11 (c.1) Notice not required.--Notice to the defendant that a
12 mandatory minimum penalty applies shall not be required.

13 (c.2) Enhancing elements.--

14 (1) Whenever the Commonwealth becomes aware of the
15 existence of facts within its possession or control,
16 including, but not limited to, facts within the possession or
17 control of law enforcement agencies, that constitute
18 enhancing elements required for imposition of the mandatory
19 minimum sentence under this section, the Commonwealth shall
20 charge the defendant with any and all offenses that include
21 the enhancing elements, and may not dismiss the charges or
22 remove the enhancing elements or move for admission of the
23 defendant to Accelerated Rehabilitative Disposition on an
24 offense arising from a criminal episode involving an offense
25 that includes enhancing elements.

26 (2) Subject to evidentiary rules and established law, in
27 such cases, the Commonwealth shall offer all evidence that
28 may establish an enhancing element to the fact-finder at
29 trial or shall present all enhancing elements to the court as
30 enhancing elements as part of a plea of guilty or nolo
31 contendere.

32 Amend Bill, page 21, by inserting between lines 4 and 5

33 (c.1) Notice not required.--Notice to the defendant that a
34 mandatory minimum penalty applies shall not be required.

35 (c.2) Enhancing elements.--

36 (1) Whenever the Commonwealth becomes aware of the
37 existence of facts within its possession or control,
38 including, but not limited to, facts within the possession or
39 control of law enforcement agencies, that constitute
40 enhancing elements required for imposition of the mandatory
41 minimum sentence under this section, the Commonwealth shall
42 charge the defendant with any and all offenses that include
43 the enhancing elements, and may not dismiss the charges or
44 remove the enhancing elements or move for admission of the
45 defendant to Accelerated Rehabilitative Disposition on an
46 offense arising from a criminal episode involving an offense
47 that includes enhancing elements.

48 (2) Subject to evidentiary rules and established law, in

1 such cases, the Commonwealth shall offer all evidence that
2 may establish an enhancing element to the fact-finder at
3 trial or shall present all enhancing elements to the court as
4 enhancing elements as part of a plea of guilty or nolo
5 contendere.

6 Amend Bill, page 22, by inserting between lines 2 and 3

7 (c.1) Notice not required.--Notice to the defendant that a
8 mandatory minimum penalty applies shall not be required.

9 (c.2) Enhancing elements.--

10 (1) Whenever the Commonwealth becomes aware of the
11 existence of facts within its possession or control,
12 including, but not limited to, facts within the possession or
13 control of law enforcement agencies, that constitute
14 enhancing elements required for imposition of the mandatory
15 minimum sentence under this section, the Commonwealth shall
16 charge the defendant with any and all offenses that include
17 the enhancing elements, and may not dismiss the charges or
18 remove the enhancing elements or move for admission of the
19 defendant to Accelerated Rehabilitative Disposition on an
20 offense arising from a criminal episode involving an offense
21 that includes enhancing elements.

22 (2) Subject to evidentiary rules and established law, in
23 such cases, the Commonwealth shall offer all evidence that
24 may establish an enhancing element to the fact-finder at
25 trial or shall present all enhancing elements to the court as
26 enhancing elements as part of a plea of guilty or nolo
27 contendere.

28 Amend Bill, page 22, line 11, by inserting after "amended"

29 and the sections are amended by adding subsections

30 Amend Bill, page 23, by inserting between lines 3 and 4

31 (c.1) Notice not required.--Notice to the defendant that a
32 mandatory minimum penalty applies shall not be required.

33 (c.2) Enhancing elements.--

34 (1) Whenever the Commonwealth becomes aware of the
35 existence of facts within its possession or control,
36 including, but not limited to, facts within the possession or
37 control of law enforcement agencies, that constitute
38 enhancing elements required for imposition of the mandatory
39 minimum sentence under this section, the Commonwealth shall
40 charge the defendant with any and all offenses that include
41 the enhancing elements, and may not dismiss the charges or
42 remove the enhancing elements or move for admission of the
43 defendant to Accelerated Rehabilitative Disposition on an
44 offense arising from a criminal episode involving an offense
45 that includes enhancing elements.

46 (2) Subject to evidentiary rules and established law, in
47 such cases, the Commonwealth shall offer all evidence that

1 may establish an enhancing element to the fact-finder at
2 trial or shall present all enhancing elements to the court as
3 enhancing elements as part of a plea of guilty or nolo
4 contendere.

5 Amend Bill, page 27, by inserting between lines 14 and 15

6 (b.2) Notice not required.--Notice to the defendant that a
7 mandatory minimum penalty applies shall not be required.

8 (b.3) Enhancing elements.--

9 (1) Whenever the Commonwealth becomes aware of the
10 existence of facts within its possession or control,
11 including, but not limited to, facts within the possession or
12 control of law enforcement agencies, that constitute
13 enhancing elements required for imposition of the mandatory
14 minimum sentence under this section, the Commonwealth shall
15 charge the defendant with any and all offenses that include
16 the enhancing elements, and may not dismiss the charges or
17 remove the enhancing elements or move for admission of the
18 defendant to Accelerated Rehabilitative Disposition on an
19 offense arising from a criminal episode involving an offense
20 that includes enhancing elements.

21 (2) Subject to evidentiary rules and established law, in
22 such cases, the Commonwealth shall offer all evidence that
23 may establish an enhancing element to the fact-finder at
24 trial or shall present all enhancing elements to the court as
25 enhancing elements as part of a plea of guilty or nolo
26 contendere.

27 Amend Bill, page 29, by inserting between lines 1 and 2

28 (b.1) Notice not required.--Notice to the defendant that a
29 mandatory minimum penalty applies shall not be required.

30 (b.2) Enhancing elements.--

31 (1) Whenever the Commonwealth becomes aware of the
32 existence of facts within its possession or control,
33 including, but not limited to, facts within the possession or
34 control of law enforcement agencies, that constitute
35 enhancing elements required for imposition of the mandatory
36 minimum sentence under this section, the Commonwealth shall
37 charge the defendant with any and all offenses that include
38 the enhancing elements, and may not dismiss the charges or
39 remove the enhancing elements or move for admission of the
40 defendant to Accelerated Rehabilitative Disposition on an
41 offense arising from a criminal episode involving an offense
42 that includes enhancing elements.

43 (2) Subject to evidentiary rules and established law, in
44 such cases, the Commonwealth shall offer all evidence that
45 may establish an enhancing element to the fact-finder at
46 trial or shall present all enhancing elements to the court as
47 enhancing elements as part of a plea of guilty or nolo
48 contendere.